

REMARKS

The Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-21 are pending. Claims 1, 12, and 20 are amended, and claim 21 is added. Claims 1 and 12 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Drawings

The Examiner has not indicated whether or not the drawings have been accepted. Clarification is requested in the next official communication.

Claim for Priority

The Examiner has acknowledged the Applicant's claim for foreign priority based on Australian Patent Application No. 2003-900756.

Rejection Under 35 U.S.C. § 112, second paragraph

Claim 20 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is respectfully traversed.

In order to overcome this rejection, the Applicant has amended claim 20 and has added claim 21 to correct each of the deficiencies specifically pointed out by the Examiner. The Applicant respectfully submits that the claims, as amended, particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

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Rejection Under 35 U.S.C. § 101

Claim 20 stands rejected under 35 U.S.C. § 101, as being an improper method claim.

This rejection is respectfully traversed.

In order to overcome this rejection, the Applicant has amended claim 20 and has added claim 21 to correct each of the deficiencies specifically pointed out by the Examiner. The Applicant respectfully submits that the claims, as amended, particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejections Under 35 U.S.C. §102(b) and 103(a)

Claims stand rejected under 35 U.S.C. §102(b) as being anticipated by Lareau et al. et al. (U.S. 5,692,062);

claims 8, 9 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lareau et al. et al.; and

claims 3-5 7, 14, and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lareau et al. et al. in view of LeClerc et al. (U.S. 6,983,662); and

claims 6 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lareau et al. et al. in view of Stepanik et al. (U.S. 7,080,544)..

These rejections are respectfully traversed.

Amendments to Independent Claims 1 and 12

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the present application, independent claim 1 has been amended herein to recite a combination of elements directed to a system for remotely recording changes to a particular landscape, including *inter alia*

a processor in communication with a memory means and with the digital imaging device;

a battery electrically connected to the processor and the digital imaging device; and

a controller electrically disposed intermediate the battery and the digital imaging device and the processor, the controller being configured to isochronally provide power from the battery to the processor and digital imaging device to enable the digital imaging device , when stationary, to acquire a landscape image which is communicated to the processor which in turns transmits the image to a remote processor.

In addition, independent claim 12 has been amended herein to recite a combination of steps directed to a method for remotely recording changes to a particular landscape, including *inter alia*

isochronally providing electrical power to a stationary digital imaging device and processor having memory means;

acquiring a digital image of the landscape with the stationary digital imaging device;

communicating the digital image to the processor;

transmitting the digital image from the processor to a remote processor; and
disconnecting the electrical power to the digital imaging device and the processor.

Differences between the present invention and the cited references include the following:

While the Examiner asserts that Lareau et al. disclose a battery electrically connected to the processor and the digital imaging device, there is no disclosure of a battery. The Examiner has therefore erred in this regard.

Accordingly, Lareau et al. also do not disclose a controller for isochronally providing power from a battery to a processor and digital imaging device as claimed in claim 1.

Essentially, Lareau et al. disclose a system for compensating for image distortion that occurs, for example, when a camera on a reconnaissance aircraft takes a picture of an image where the aircraft moves relative to the image. The invention involves an imaging array of a charge-coupled device, where individual sensors are charged by incoming light. The charged sensors do not constitute, or serve the function of, a battery.

If the Lareau et al. document were properly read, it should be appreciated that the terrain referred to therein does not itself change. Rather, it is the "terrain in the field of view of the camera" which changes as the camera moves relative to the terrain (see column, line 11). By contrast, independent claims 1 and 12 relate to changes to a landscape itself.

For the above reasons, and especially in light of the present amendments, Lareau et al. do not anticipate claims 1, 2, 10 or 11.

It is noted that the Examiner has not asserted that claim 12 is anticipated by Lareau et al., but does assert that claims 13, 18 and 19 are anticipated by Lareau et al. Each of claims 13, 18 and 19 depends from claim 12. Therefore, if claim 12 is not anticipated by Lareau et al., neither can claims 13, 18 and 19 be anticipated by it. Therefore, for this reason alone, the Examiner has erred in rejecting claims 13, 18 and 19 on the present basis. In any event, it would have been incorrect to reject claim 12 on the present basis because claim 12 is indeed not anticipated by Lareau et al. for the reasons discussed above.

Turning now to items 6 and 7 of the Office Action in which the Examiner has rejected claims 8, 9 and 12 under 35 U.S.C. 103(a).

The Examiner has not rejected claim 1 under this section, and claims 8 and 9 depend from claim 1. In light of this, together with our submission above that Lareau et al. do not anticipate claim 1, we further submit, for this reason alone, that it would not be obvious to one skilled in the art to modify Lareau et al. by enabling the disconnection of an electrical power supply (i.e. a battery) from the digital imaging device and processor. In particular, as mentioned above, Lareau et al. do not disclose a battery, and therefore it would not suggest to one skilled in the art the disconnecting or isolating of a battery from the digital imaging device or processor.

In addition, Lareau et al., and especially the passage referred to by the Examiner in relation to the present claim rejection, relates to an imaging array of a charge coupled

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device, involving polysilicone rows and columns, and the use of 3-phase voltage pulses that can confine photosite charge packets. It relates to the specialized area of electro-optics and, as such, is significantly removed from the field of basic electronic circuitry such as switches for isolating a power source in the form of a battery from a component to be powered by that battery.

The Examiner has stated that the "motivation for performing such a modification in Lareau et al. is to be able to use the battery as needed in the image processor". However, as stated above, Lareau et al. do not disclose a battery and therefore this assertion of the Examiner is incorrect.

For the above reasons, we submit that Lareau et al. would not suggest to the relevant person skilled in the art the invention as defined in claims 8, 9 or 12 of the present application.

Referring to item 8 of the Office Action in which the examiner has rejected claims 3 to 5, 7, 14 and 17 as being unpatentable over Lareau et al. in view of U.S. Patent No. 6,963,662 (LeClerc et al.). The Examiner has not rejected claims 1 and 12 on this basis, and claims 3 to 5, 7, 14 and 17 all depend from claim 1 or claim 12. For the reasons above, claims 1 and 12 define a patentable invention. Therefore, we submit that the present rejection of claims 3 to 5, 7, 14 and 17 is incorrect.

Independent claims 1 and 12 are in condition for allowance.

Referring to item 9 of the Office Action in which the Examiner has rejected claims

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6 and 16 as being unpatentable over Lareau et al. in view of US Patent No. 7,080,544 (Stepanik et al.). The Examiner has not rejected claims 1 and 12 on this basis, and claims 6 and 16 depend from claims 1 and 12, respectively. For the reasons above, claims 1 and 12 define a patentable invention. Therefore, we submit that the present rejection of claims 6 and 16 is incorrect.

At least for the reasons explained above, the Applicant respectfully submits that the combination of elements as set forth in independent claims 1 and 12 is not disclosed or made obvious by any combination of the prior art of record, including Lareau et al. et al., LeClerc et al., and Stepanik et al.

Therefore, independent claims 1 and 12 are in condition for allowance.

Dependent Claims

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §102(b) and §103(a) are respectfully requested.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

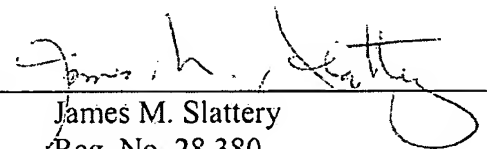
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl E. Thomsen (Reg. No. 50,786) at (703) 208-4030 (direct line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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